रजिस्ट्री सं० डी० 221 REGISTERED No. D. 221

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 1
PART II—Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 6] नई दिल्ली, शनिवार, फरवरी 13, 1971/माघ 24, 1892
No. 6] NEW DELHI, SATURDAY FEBRUARY 13, 1971/MAGHA 24, 1892

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that may be filed as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 13th February, 1971/Magha 24, 1892 (Saka)

THE LABOUR PROVIDENT FUND LAWS (AMENDMENT) ORDINANCE, 1971

No. 3 OF 1971

Promulgated by the President in the Twenty-second Year of the Republic of India.

An Ordinance further to amend the Coal Mines Provident Fund and Bonus Schemes Act, 1948 and the Employees' Provident Funds Act, 1952.

WHEREAS a Bill further to amend the Coal Mines Provident Fund and Bonus Schemes Act, 1948 and the Employees' Provident Funds Act, 1952, was pending in the House of the People;

AND WHEREAS the House of the People has been dissolved and the Council of States is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give effect to the provisions of the Bill;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

Short title and commencement.

1. (*1*) This Ordinance may be called the Labour Provident Fund Laws (Amendment) Ordinance, 1971.

(*2*) It shall come into force at once.

Act 46 of 1948, Act 19 of 1952 and Act 31 of 1956 to be temporarily amended.

2. During the period of operation of this Ordinance,—

(*a*) the Coal Mines Provident Fund and Bonus Schemes Act, 1948, shall have effect subject to the amendments specified in sections 3 to 11; 46 of 1948.

(*b*) the Employees' Provident Funds Act, 1952, shall have effect subject to the amendments specified in sections 12 to 30; and 19 of 1952.

(*c*) the Life Insurance Corporation Act, 1956, shall have effect subject to the amendment specified in section 31. 31 of 1956.

Amendment of long title and preamble to Act 46 of 1948.

3. In the long title and the preamble to the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (hereinafter referred to as the Coal Mines Act), after the words "Provident Fund Scheme", the words ", a Family Pension Scheme" shall be inserted.

Amendment of section 1.

4. In sub-section (*1*) of section 1 of the Coal Mines Act, after the words "Provident Fund", the words ", Family Pension" shall be inserted.

Amendment of section 2.

5. In section 2 of the Coal Mines Act, after clause (*e*), the following clause shall be inserted, namely:—

'(*ee*) "Family Pension Fund" means the Family Pension Fund established under the Coal Mines Family Pension Scheme framed under sub-section (*1*) of section 3E;'.

Amendment of section 3A.

6. In section 3A of the Coal Mines Act,—

(*a*) in sub-section (*3*), after the words "The Board shall", the words, figure and letter ", subject to the provisions of section 3E," shall be inserted;

(*b*) in sub-section (*4*), for the words "the Scheme aforesaid", the words "the Coal Mines Provident Fund Scheme and the Coal Mines Family Pension Scheme" shall be substituted.

Amendment of section 3C.

7. In sub-section (*3*) of section 3C of the Coal Mines Act, after the words "Coal Mines Provident Fund Scheme", the words "and the Coal Mines Family Pension Scheme" shall be inserted.

Insertion of new sections 3E and 3F.

8. After section 3D of the Coal Mines Act, the following sections shall be inserted, namely:—

Coal Mines Family Pension Scheme.

"3E. (*1*) The Central Government may, by notification in the Official Gazette, frame a scheme to be called the Coal Mines Family Pension Scheme for the purpose of providing family pension and life assurance benefits to such employees as are covered by the Coal Mines Provident Fund Scheme.

(2) There shall be established, as soon as may be after the framing of the aforesaid Scheme, a Family Pension Fund into which shall be paid from time to time in respect of every such employee—

(a) such portion, not exceeding one-fourth, of the amount payable under sub-section (1) of section 10D as the employer's contribution as well as the employee's contribution, as may be specified in the said Scheme, and

(b) such sums, being not less than the aggregate of the amount payable in pursuance of clause (a) out of the employer's contribution under sub-section (1) of section 10D and an amount equivalent to one-sixteenth of the employer's contribution under that sub-section in respect of such employee, as the Central Government may, after due appropriation made by Parliament by law in this behalf, specify.

(3) The Family Pension Fund shall vest in and be administered by the Board.

(4) Any scheme framed under the provisions of sub-section (1) may provide for all or any of the matters specified in the Second Schedule.

Special grant by Central Government.

3F. The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay such further sums as may be determined by it into the Family Pension Fund to meet all the expenses in connection with the administration of the Coal Mines Family Pension Scheme other than the expenses towards the cost of any benefits provided by or under the said Scheme.".

Amendment of section 5

9. In sub-section (2) of section 5 of the Coal Mines Act, for the words "Second Schedule", the words "Third Schedule" shall be substituted.

Amendment of section 8.

10. In section 8 of the Coal Mines Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) The provisions of sub-section (1) and sub-section (2) shall, so far as may be, apply in relation to the family pension or any other amount payable under the Coal Mines Family Pension Scheme as they apply in relation to any amount payable out of the Fund.".

Insertion of new Second Schedule.

11. The Second Schedule to the Coal Mines Act shall be re-numbered as the Third Schedule and before the Third Schedule as so re-numbered, the following Schedule shall be inserted, namely:—

"THE SECOND SCHEDULE

(*See* section 3E)

MATTERS TO BE PROVIDED FOR IN THE COAL MINES FAMILY PENSION SCHEME

1. The employees or class of employees to whom the Coal Mines Family Pension Scheme shall apply and the time within which option to join that Scheme shall be exercised by those employees to whom the said Scheme does not apply.

2. Subject to the provisions of section 3E(2), the portion of employer's and employee's contribution which may be credited to the Family Pension Fund and the manner in which it may be credited.

3. The contribution by the Central Government to the Family Pension Fund and the manner in which such contribution is to be made.

4. The manner in which the accounts of the Family Pension Fund shall be kept and the investment of moneys belonging to the Family Pension Fund with the Central Government at a rate of interest which shall not be less than five and a half *per centum* per annum.

5. The form in which an employee shall furnish particulars about himself and his family whenever required.

6. The nomination of a person to receive the assurance amount due to the employee after his death and the cancellation or variation of such nomination.

7. The registers and records to be maintained in respect of employees, the form or design of any identity card, token or disc for the purpose of identifying any employee, or his nominee or a member of family entitled to receive the pension.

8. The scales of family pension and the assurance amount.

9. The mode of disbursement of family pension and the arrangements to be entered into with such disbursing agencies as may be specified for the purpose.

10. The manner in which the expenses incurred in connection with the administration of the Coal Mines Family Pension Scheme may be paid by the Central Government to the Board.

11. Any other matter which is to be provided for in the Coal Mines Family Pension Scheme or which may be necessary or proper for the purpose of implementing the Coal Mines Family Pension Scheme.".

Amendment of long title.

12. In the long title to the Employees' Provident Funds Act, 1952 (hereinafter referred to as the Provident Funds Act), after the words "provident funds", the words "and family pension fund" shall be inserted. 19 of 1952.

Amendment of section 1.

13. In section 1 of the Provident Funds Act,—

(*a*) in sub-section (*1*), after the words "Provident Funds", the words "and Family Pension Fund" shall be inserted;

(*b*) the proviso to sub-section (5) shall be omitted.

Amendment of section 2.

14. In section 2 of the Provident Funds Act,—

(*a*) after clause (*g*), the following clauses shall be inserted, namely:—

'(*gg*) "Family Pension Fund" means the Family Pension Fund established under the Family Pension Scheme;

(*ggg*) "Family Pension Scheme" means the Employees Family Pension Scheme framed under section 6A;';

(*b*) for clause (*l*), the following clause shall be substituted, namely:—

'(*l*) "Scheme" means the Employees' Provident Fund Scheme framed under section 5.'.

Amendment of section 5A.

15. In section 5A of the Provident Funds Act,—

(*a*) in sub-section (*3*), after the words "The Central Board shall", the words, figure and letter ", subject to the provisions of section 6A," shall be inserted;

(*b*) in sub-section (*4*), after the words "of the Scheme", the words "and the Family Pension Scheme" shall be inserted.

Amendment of section 5D.

16. In sub-section (*3*) of section 5D of the Provident Funds Act, after the words "the Scheme", the words "and the Family Pension Scheme" shall be inserted.

Amendment of section 5E.

17. In section 5E of the Provident Funds Act, after the words "the Scheme", the words "and the Family Pension Scheme" shall be inserted

Insertion of new sections 6A and 6B.

18. After section 6 of the Provident Funds Act, the following sections shall be inserted, namely:—

Employees' Family Pension Scheme.

"6A. (*1*) The Central Government may, by notification in the Official Gazette, frame a scheme to be called the Employees' Family Pension Scheme for the purpose of providing family pension and life assurance benefits to the employees of any establishment or class of establishments to which this Act applies.

(*2*) There shall be established, as soon as may be after the framing of the Family Pension Scheme, a Family Pension Fund into which shall be paid from time to time in respect of every such employee—

(*a*) such portion, not exceeding one-fourth, of the amount payable under section 6 as contribution by the employer as well as the employee, as may be specified in the Family Pension Scheme,

(*b*) such sums as are payable by the employer of an exempted establishment under sub-section (*6*) of section 17, and

(*c*) such sums, being not less than the amount payable in pursuance of clause (*a*) out of the employer's contribution under section 6, as the Central Government may, after due appropriation made by Parliament by law in this behalf, specify.

(*3*) The Family Pension Fund shall vest in and be administered by the Central Board.

(*4*) The Family Pension Scheme may provide for all or any of the matters specified in Schedule III.

(*5*) The Family Pension Scheme may provide that any of its provisions shall take effect either prospectively or retrospectively on such date as may be specified in this behalf in that Scheme.

Special grant by Central Government.

6B. The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay such further sums as may be determined by it into the Family Pension Fund to meet all the expenses in connection with the administration of the Family Pension Scheme other than the expenses towards the cost of any benefits provided by or under the said Scheme.".

Amendment of section 7.

19. In sub-section (*1*) of section 7 of the Provident Funds Act, for the words "any Scheme framed under this Act", the words "the Scheme or the Family Pension Scheme, as the case may be" shall be substituted.

Amendment of section 7A.

20. In sub-section (*1*) of section 7A of the Provident Funds Act, for the words "or of the Scheme", the words ", the Scheme or the Family Pension Scheme, as the case may be," shall be substituted.

Amendment of section 8.

21. In clause (*b*) of section 8 of the Provident Funds Act, for the words and figures "under section 17", the words and figures "under section 17 or in respect of the contribution payable by him towards the Family Pension Scheme under the said section 17" shall be substituted.

Amendment of section 10.

22. In section 10 of the Provident Funds Act, after sub-section (*2*), the following sub-section shall be inserted, namely:—

"(*3*) The provisions of sub-section (*1*) and sub-section (*2*) shall, so far as may be, apply in relation to the family pension or any other amount payable under the Family Pension Scheme as they apply in relation to any amount payable out of the Fund.".

Amendment of section 11.

23. In clause (*b*) of section 11 of the Provident Funds Act, after the words "under the rules of the provident fund,", the words, brackets and figures "any contribution payable by him towards the Family Pension Fund under sub-section (*6*) of section 17," shall be inserted.

Amendment of section 13.

24. In section 13 of the Provident Funds Act,—

(*a*) in sub-section (*1*), for the words "or of any Scheme", the words ", the Scheme or the Family Pension Scheme" shall be substituted;

(*b*) sub-section (*2A*) shall be re-numbered as sub-section (*2B*) and before sub-section (*2B*) as so re-numbered, the following sub-section shall be inserted, namely:—

"(*2A*) Any Inspector appointed under sub-section (*1*) may, for the purpose of inquiring into the correctness of any information furnished in connection with the Family Pension Scheme or for the purpose of ascertaining whether any of the provisions of this Act or of the Family Pension Scheme have been complied with in respect of an establishment to which the Family Pension Scheme applies, exercise all or any of the powers conferred on him under clause (*a*), clause (*b*), clause (c) or clause (*d*) of sub-section (*2*).";

(c) in sub-section (*2B*) as so re-numbered, after the words, brackets and figure "under sub-section (*2*)", the words, brackets, figure and letter "or under sub-section (*2A*), as the case may be," shall be inserted.

Amendment of section 14.

25. In section 14 of the Provident Funds Act,—

(*a*) in sub-section (*1*), for the words "or under any Scheme", the words ", the Scheme or the Family Pension Scheme" shall be substituted;

(*b*) in sub-section (*2*), for the words "A Scheme framed under this Act", the words "The Scheme or the Family Pension Scheme" shall be substituted;

(*c*) in sub-section (*3*), for the words "or under any Scheme", the words ", the Scheme or the Family Pension Scheme" shall be substituted.

Amendment of section 14A.

26. In section 14A of the Provident Funds Act,—

(*a*) in sub-section (*1*), for the words "or the Scheme made thereunder", the words ", the Scheme or the Family Pension Scheme" shall be substituted;

(*b*) in sub-section (*2*), for the words "or the Scheme thereunder", the words ", the Scheme or the Family Pension Scheme" shall be substituted.

Amendment of section 17.

27. In section 17 of the Provident Funds Act, after sub-section (5), the following sub-section shall be inserted, namely:—

"(*6*) Notwithstanding any exemption granted under this section, the employer of an exempted establishment to which the provisions of the Family Pension Scheme apply, shall pay to the Family Pension Fund such portion of the employer's contribution as well as the employee's contribution to its provident fund as may be specified in the Family Pension Scheme.".

Amendment of section 18.

28. In section 18 of the Provident Funds Act, for the words "or under any Scheme", the words ", the Scheme or the Family Pension Scheme" shall be substituted.

Amendment of section 19.

29. In section 19 of the Provident Funds Act, for the words "or any Scheme", the words ", the Scheme or the Family Pension Scheme" shall be substituted.

Insertion of new Schedule III.

30. After Schedule II to the Provident Funds Act, the following Schedule shall be inserted, namely:—

"SCHEDULE III

[*See* section 6A(*4*)]

MATTERS FOR WHICH PROVISION MAY BE MADE IN THE FAMILY PENSION SCHEME

1. The employees or class of employees to whom the Family Pension Scheme shall apply and the time within which option to join that Scheme shall be exercised by those employees to whom the said Scheme does not apply.

2. Subject to the provisions of section 6A(*2*), the portion of employer's and employee's contribution which may be credited to the Family Pension Fund and the manner in which it may be credited.

3. The contribution by the Central Government to the Family Pension Fund and the manner in which such contribution is to be made.

4. The manner in which the accounts of the Family Pension Fund shall be kept and the investment of moneys belonging to the Family Pension Fund with the Central Government at a rate of interest which shall not be less than five and a half *per centum* per annum.

5. The form in which an employee shall furnish particulars about himself and his family whenever required.

6. The nomination of a person to receive the assurance amount due to the employee after his death and the cancellation or variation of such nomination.

7. The registers and records to be maintained in respect of employees, the form or design of any identity card, token or disc for the purpose of identifying any employee, or his nominee or a member of family entitled to receive the pension.

8. The scales of family pension and the assurance amount.

9. The manner in which the exempted establishments have to pay the contributions (both employer's and employee's shares) towards the Family Pension Fund and the submission of returns relating thereto.

10. The mode of disbursement of family pension and the arrangements to be entered into with such disbursing agencies as may be specified for the purpose.

11. The manner in which the expenses incurred in connection with the administration of the Family Pension Scheme may be paid by the Central Government to the Central Board.

12. Any other matter which is to be provided for in the Family Pension Scheme or which may be necessary or proper for the purpose of implementing the Family Pension Scheme.".

Consequential amendment of Act 31 of 1956.

31. In section 44 of the Life Insurance Corporation Act, 1956, after clause (f), the following clause shall be inserted, namely:—

"(*g*) any Family Pension Scheme framed under the Coal Mines Provident Fund and Bonus Schemes Act, 1948 or the Employees' Provident Funds Act, 1952 for the purpose of providing family pension and life assurance benefits to the employees covered by the said Scheme.". 46 of 1948. 19 of 1952.

V. V. GIRI,
President.

N. D. P. NAMBOODIRIPAD,
Joint Secy. to the Govt. of India.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI, 1971